

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

IVAN VEGA-CRUZ,

Petitioner

v.

*SUPERIOR COURT OF NEW
JERSEY, PASSAIC COUNTY, et al.,*

Respondents

Civil Action No. 20-4413(RMB)

OPINION

Petitioner Ivan Vega-Cruz was incarcerated in Southern State Correctional Facility in Delmont, New Jersey when he filed a petition for writ of habeas corpus under 28 U.S.C. § 2241 on April 17, 2020, challenging the validity of a state court sentence to parole supervision for life. (Pet., Dkt. No. 1). Petitioner did not pay the \$5 filing fee for a habeas petition, as required by 28 U.S.C. § 1914(a), nor did he submit an application to proceed without prepayment of the filing fee, pursuant to 28 U.S.C. § 1915(a). When legal mail was sent from the Court to Petitioner at his last known address, it was returned as unable to forward on May 11, 2020. (Dkt. No. 2.)

Local Civil Rule 10.1(a) provides, in relevant part, "unrepresented parties must advise the Court of any change in their . . . address within seven days of being apprised of such change

by filing a notice of said change with the Clerk. Failure to file a notice of address change may result in the imposition of sanctions by the Court." Dismissing a complaint without prejudice is an appropriate remedy for noncompliance with this rule. See Archie v. Dept. of Corr., Civ. No. 12-2466 (RBK/JS), 2015 WL 333299, at *1 (D.N.J. Jan. 23, 2015) (collecting cases). To date, Petitioner has not informed the Court of his new address. If Petitioner seeks to reopen this matter, he should also be advised that if he is challenging his state court conviction and sentence, rather than a decision by the New Jersey State Parole Board, he should bring a petition under 28 U.S.C. § 2254, which is also subject to a \$5 filing fee.

II. CONCLUSION

The Court will dismiss this case without prejudice, pursuant to Local Civil Rule 10.1

An appropriate order follows.

Dated: July 9, 2020

s/Renée Marie Bumb
RENÉE MARIE BUMB
UNITED STATES DISTRICT JUDGE